



TEW
1614

Practitioner's Docket No. 542-005802

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: **NAKADA et al.**

Serial No.: **10/088,770**

Examiner: **Zohreh A. Fay**

Filed: **March 20, 2002**

Group Art Unit: **1614**

For: **LIQUID PREPARATION FOR CONTACT LENSES**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment for this application.

STATUS

2. Applicant is

☐ a small entity. A statement:

☐ is attached.

☐ was already filed.

☒ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is, on the date shown below, being:

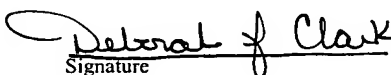
MAILING

☒ deposited with the United States Postal Service with sufficient postage as first-class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the U.S. Patent and Trademark Office.

Date: August 30, 2005



Signature

Deborah J. Clark
(type or print name of person certifying)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. §1.645 for extensions of time in interference proceedings, and 37 C.F.R. §1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)(1)-(4)) for the total number of months checked below:

| <u>Extension (months)</u> | <u>Fee for other than small entity</u> | <u>Fee for small entity</u> |
|---------------------------------------|--|---------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 430.00 | \$215.00 |
| <input type="checkbox"/> three months | \$ 980.00 | \$490.00 |
| <input type="checkbox"/> four months | \$1,530.00 | \$765.00 |

Fee: \$

If an additional extension of time is required, please consider this a petition therefor.
(check and complete the next item, if applicable)

- ☐ An extension for ____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. §1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) | | (Col. 2) | | (Col. 3) | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--|---|---------------------------------------|----|------------------|---|---------------|--------------------|------------------------------|--------------------|
| CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | | PRESENT EXTRA | | RATE | ADDIT. FEE | OR | ADDIT. FEE |
| TOTAL: | 8 | MINUS | 20 | = | 0 | x \$25.00= | \$ | x 50= | \$ 0 |
| INDEP: | 2 | MINUS | 3 | = | 0 | x \$ 100.00 = | \$ | x 200 = | \$ 0 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | + | \$ 150 = | \$ | + | \$ 300 = \$ |
| | | | | | | | TOTAL ADDL. FEE | | TOTAL ADDL. FEE |
| | | | | | | | \$ | | \$ |

WARNING: "After final rejection or action (§1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. §1.116(a) (emphasis added).
(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required is \$_____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$_____.

☐ Charge Account No. _____ the sum of \$_____. A duplicate of this transmittal is attached.

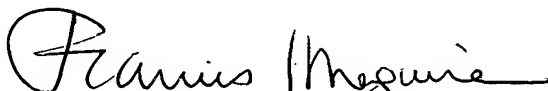
FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986 (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 23-0442.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 23-0442.



SIGNATURE OF PRACTITIONER

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542-009.2 [FP-6212PCT]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application :
:
Kazuhiko NAKADA, *et al.* :
:
Serial No. 10/088,770 : Examiner Zohreh A.
Fay :
: Art Unit 1614
Filed March 20, 2002 :
:
For: LIQUID PREPARATION FOR :
CONTACT LENSES :
:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

Kindly enter this Request for Reconsideration in response to the Office Action dated June 14, 2005. This amendment is presented in the following sections: (1) Introductory Comments, (2) Claims and (3) Remarks.

Each of the above-identified sections is presented below on successive, sequentially-numbered sheets. Each section begins and ends on a sheet reserved to it.

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

Drborah J. Clarke

(1) INTRODUCTORY COMMENTS

Reconsideration of claims 1-4 and allowance of these claims and new claims 5-8, are respectfully requested in view of the amendments, the new claims, the telephone interview conducted on June 27, 2005, and the following Remarks.

In the Claims section starting at page 3 of this response, claims 2 and 4 have been amended, claims 5-8 have been added, and no claims have been canceled.

Claims 2 and 4 have been rejected under 35 USC §112, second paragraph because there is no antecedent basis in the base claim for the term “at least one member selected from the group consisting of an antiseptic agent, a chelating agent, a buffer, an isotonicizing agent, a thickener, a surface active agent and an antibacterial assistant”.

New claims 5-8 are added to address the examiner’s comment that applicants’ arguments against the §103 rejection were not well taken because applicants were claiming a composition and not a process.

Applicant summarizes the telephonic interview, and presents complete comments on the claims as now presented in the Remarks section, starting on page 5 of this paper.